REMARKS

Applicant submits this Response in response to the Office Action mailed May 12, 2005. No amendments have been made. Claims 1-26 remain pending.

Applicant thanks the Examiner for the continued indication in paragraph 5 of the Office Action that claims 6-8 and 18-24 would be allowable if rewritten in independent form.

In paragraphs 1-3 of the Office Action, the Examiner has rejected claims 1, 2, 5, 9, 10, 13, 14 15, 25 and 26 under 35 U.S.C § 103 as being unpatentable over U.S. Patent Application Publication No. 2003/0165136 to Cornelius et al. ("Cornelius") in view of U.S. Patent No. 5,465,286 to Clare et al. ("Clare"). The Examiner has also rejected claims 3, 4, 11, 12, 16 and 17 under 35 U.S.C. § 103 as being unpatentable over Cornelius in view of Clare and further in view of U.S. Patent Application No. 2004/0136379 to Liao et al. ("Liao"). Applicant traverses these rejections, based on the following remarks. [1]

The Examiner has asserted, in paragraph 2 of the Office Action, that Cornelius allegedly describes "a method of operating a communications network including a firewall comprising the steps of: monitoring delays associated with the closing of ports corresponding to communications sessions following the termination of said communications sessions as indicated by session control signals," and references paragraphs [0014] and [0030-0034]. (Office Action, p. 2.) Applicant respectfully disagrees because these paragraphs do not mention monitoring delays associated with the closing of ports. Cornelius actually describes a system that limits the number of firewall holes used for internet telephony to two – one for control signaling and one for RTP audio traffic. (Cornelius, ¶ [0013-0014].) The system described in Cornelius is able to limit firewall holes to two by using source address and port numbering to identify media streams using the single media stream port. (Cornelius, ¶ [0034].) However, nowhere in the description

[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

of Cornelius is any discussion of the measurement of delays associated with closing of ports corresponding to communications sessions following the termination of communications sessions. Cornelius does not discuss any measurements, and in fact the only "delay" mentioned in Cornelius is a potential delay in establishing the source address/port association for the media stream at the destination, which is described as simply resulting in dropped packets. (Cornelius, ¶ [0034].)

The Examiner has relied upon Clare to allegedly show "generating an alert signal when a monitored closing delay exceeds a preselected threshold." (Office Action, p. 2.) Applicant respectfully disagrees because the cited description does not discuss anything related to a port closing (or opening) delay exceeding a preselected threshold. The system described in Clare implements a supervisory system that allows a call center director to track ACD call service by call center agents. (Clare, col. 2, lines 46-63.) In the portion cited by the Examiner, Clare describes displaying colored "alerts" when a time period associated with the state of a service agent exceeds a threshold value. (Clare, col. 8, line 39-62.) This is an entirely different parameter from that recited in Applicant's claims – in fact, nowhere in the description of Clare is there any discussion of the measurement of delay associated with the opening or closing of ports. The lack of such description in Clare is not surprising, as Clare is wholly unrelated to firewalls and provides no description of communications through ports, or the opening/closing of ports.

The Examiner has relied upon Liao to describe "adjusting network routing to reduce the load on the firewall system which triggered the alarm signal." (Office Action, p. 3.) However, as was the case with Cornelius and Clare, Liao provides no description of monitoring of delays in opening or closing of ports for communications, or generating alerts based on such monitored delays, and thus does not overcome the deficiencies of Cornelius and Clare.

In contrast to Cornelius, Clare and Liao, claim 1 recites a method that includes:

> monitoring delays associated with the closing of ports corresponding to communications sessions following the termination of said communications sessions as indicated by session control signals; and
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> generating an alert signal when a monitored closing delay exceeds a preselected threshold.

Taken either individually or in combination, Cornelius, Clare and Liao do not teach or suggest the elements of claim 1. For example, there is no description in Cornelius, Clare or Liao of the monitoring of any delays associated with the closing of ports corresponding to communications sessions, or the generation of an alert signal when a monitored closing delay exceeds a threshold. The absence of these claim elements from claim 1 indicates that claim 1 is patentable over Cornelius, Clare and/or Liao, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 1. Furthermore, as claims 2-5 each depend from claim 1, and therefore include all of the limitations of claim 1, claims 2-5 are patentable over Cornelius, Clare and/or Liao for at least the same reasons given for patentability of claim 1.[2] Applicant therefore respectfully requests that the Examiner withdraw the rejections of claims 2-5 as well.

Also in contrast to Cornelius, Clare and Liao, claim 9 recites a method that includes:

> monitoring delays associated with the opening of ports corresponding to communications sessions being initiated through the use of session control signals; and
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> generating an alert signal when a monitored opening delay exceeds a preselected threshold.

As was the case for claim 1, Cornelius, Clare and Liao, taken individually or in combination, neither teach nor suggest the elements of claim 9. For example, there is no description in Cornelius, Clare or Liao of the monitoring of any delays associated with the opening of ports corresponding to communications sessions, or the generation of an alert signal when a monitored opening delay exceeds a threshold. The absence of these claim elements from claim 9 indicates that claim 9 is patentable over Cornelius, Clare and/or Liao, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 9. Furthermore, as claims 10-13 each depends from claim 9, and therefore includes all of the limitations of claim 9, claims 10-13 are patentable over Cornelius, Clare and/or Liao for at least the same reasons given for patentability of claim 9. Applicant therefore respectfully requests that the Examiner withdraw the rejections of claims 10-13 as well.

[2] As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

Also in contrast to Cornelius, Clare and Liao, claim 14 recites a system that includes:

> a firewall system responsive to session signals to open and close ports in response to the establishment and termination of communications sessions, respectively;
> means for monitoring said firewall to detect a port closing delay following a signal to terminate a communications session; and
> an alarm generation device for generating an alarm when the port closing delay is determined to exceed a preselected threshold.

Taken either individually or in combination, Cornelius, Clare and Liao neither teach nor suggest the system recited by claim 14. For example, none of Cornelius, Clare or Liao teach or suggest any means for monitoring a firewall to detect a port closing delay following a signal to terminate a communications session, or an alarm generation device for generating an alarm when the port closing delay is determined to exceed a preselected threshold. The absence of these elements of claim 14 indicates that claim 14 is patentable over Cornelius, Clare and/or Liao, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 14. As claims 15-17 and 26 depend from claim 14, and therefore include all of the limitations of claim 14, claims 15-17 and 26 are patentable over Cornelius, Clare and/or Liao for at least the same reasons given for patentability of claim 14, and Applicant respectfully requests that the Examiner withdraw the rejections of claim 15-17 and 26 as well.

Also in contrast to Cornelius, Clare and Liao, claim 25 recites a system that includes:

> a firewall system responsive to session signals to open and close ports in response to the establishment and termination of communications sessions, respectively;
> means for monitoring said firewall to detect a port opening delay following a signal to establish a communications session; and
> an alarm generation device for generating an alarm when the port opening delay is determined to exceed a preselected threshold.

Taken either individually or in combination, Cornelius, Clare and Liao neither teach nor suggest the system recited by claim 25. For example, none of Cornelius, Clare or Liao teach or suggest any means for monitoring a firewall to detect a port opening delay following a signal to establish a communications session, or an alarm generation device for generating an alarm when the port opening delay is determined to exceed a preselected threshold. The absence of these elements of claim 25 in any or all of these references indicates that claim 25 is patentable over Cornelius,

Clare and/or Liao, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 25.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. Accordingly, Applicant requests that the Examiner pass this application to issue. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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